

MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

August 14, 2015

These minutes were
approved by the Board on
October 23, 2015

1. ROLL CALL

The meeting of the Board of Massage Therapy was called to order by Hupka, Chairperson, at 9:41 a.m. in the Conference Room at Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

<u>Members Present:</u>	Kim Adams Johnson	-	Vice-Chair
	Brian Allison	-	Secretary
	Keli Hupka	-	Chairperson
<u>Members Absent:</u>	Adele Schmidt	-	Member (arrived 9:54 a.m.)
<u>Others Present:</u>	Ed Vierk, Assistant Attorney General Anna Harrison, Compliance Monitor Russ Fosler, Investigator Peggy Persell, Program Manager, Investigations Kris Chiles, Program Manager, Licensure Unit Nancy Herdman, Health Licensing Coordinator, Licensure Unit		

2. ADOPTION OF AGENDA

MOTION: Adams Johnson moved, seconded by Allison, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka (3). Voting nay: None (0). Absent: Schmidt (1). Motion carried.

3. APPROVAL OF MINUTES (6-19-15)

MOTION: Adams Johnson moved, seconded by Allison, to approve the minutes of June 19, 2015. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka (3). Voting nay: None (0). Abstain: None (0). Absent: Schmidt (1). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Adams Johnson moved, seconded by Allison, to enter into closed session at 9:44 a.m. to hear discussions of an investigational/confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka (3). Voting nay: None (0). Absent: Schmidt (1). Motion carried.

9:54 a.m. - Schmidt entered the meeting
9:55 a.m. - Fosler departed meeting
10:06 a.m. - Persell and Harrison departed meeting

MOTION: Adams Johnson moved, seconded by Allison, to enter into open session at 10:07 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

- Applications, Reinstatements, Out-of-State Training Programs

Chiles reported that there was one school application submitted by Five Elements Massage, Martial Arts and Oriental Health Center LLC, DBA Omaha Blue Waves Massage, Bodywork and Education Center. She asked the members to review the materials and forward their findings within three weeks.

Monica Johnson

MOTION: Allison moved, seconded by Adams Johnson, to recommend issuance of a massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Amanda Chestnut

MOTION: Allison moved, seconded by Adams Johnson, to recommend issuance of a massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

6. UNFINISHED BUSINESS

a. Other

Chiles reported the revised school renewal form had been finalized. She said the Department was working on the on-line renewal format and that the Board members would be asked to do beta testing before renewal notices were mailed to all massage therapists.

7. NEW BUSINESS

a. Correspondence

Chiles reported a CEU request had been received for a training called “No Wrong Door” being offered at multiple locations across the state. She stated it related to working with veterans who may have PTSD and/or brain injuries. She asked if this training fell in the 7 ‘other topic areas’ for CEUs; the Board agreed it would count towards the 7 other hours.

10:24 a.m. - Vierk departed meeting

Chiles reported she had received correspondence relating to a massage therapist who is considering providing chair massages to customers of a bar. The Board members expressed the following concerns:

- safety risks of providing services to someone who may be intoxicated or not of sound mind due to drinking alcohol.
- The client could perhaps be financially taken advantage of due to not being fully aware of what services they were paying for.
- the person would be drinking, then become relaxed from the massage and then might drive and could get into an accident.
- providing massages in bars creates a negative impression of the profession.

The regulations (172 NAC 82) define a massage establishment as any duly licensed place in which a massage therapist practices his/her profession of massage therapy. This does not include:

- a. On-site massage performed at the location of the client;**
- b. Stand-alone devices, such as chairs, which are operated by the customer; or
- c. Establishments located within the confines of a hospital, nursing home, or other similar establishment or facility licensed or otherwise regulated by the Department of Health and Human Services.

b. Other

Chiles stated she had been receiving calls about animal therapy specifically if a person attended training on animal therapy, could they use it for their massage therapy license renewal. It was discussed that if it was about massage techniques that the techniques would be the same for an animal or a human. If it was something on animal management, that would not be acceptable towards massage therapy license renewal.

8. UPDATES AND REPORTS

a. Nebraska Chapter of AMTA

Hupka stated the new government relations person (Becky Olson) had posted information about the Massage Therapy Board meeting. It was hoped that posting it would get people to attend the meeting. Hupka reported she was a 3rd vice-president with AMTA, Dennis Jenkins was president and all the officers were listed on the AMTA website.

10:48 a.m. - public person entered meeting

Chiles asked if the Nebraska chapter had an annual meeting. Hupka responded their annual meeting was in the spring and they try to pair it with a class to increase attendance.

b. Federation of State Massage Therapy Boards (FSMTB)

Adams Johnson report the annual meeting would be in October in Albuquerque. She said FSMTB was working on updating the website, the budget, dealing with fraud issues, CEUs and the database.

The public person asked when the study guide for the MBLEx would be available and Adams Johnson responded it was scheduled to be out this summer. Adams Johnson said the study guide was the only approved one for the examination and it would be available on-line and in print. The current problem is that the examination is being given now without a study guide. The public person said as a school representative she could call FSMTB and receive general feedback on the type of questions. Chiles asked if any applicant/student could call and obtain that information and Adams Johnson responded she believed they could. The public person commented that for some of the questions on the examination the answer choices are too similar.

c. National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

There was no new information to report.

d. Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information / School Report

Chiles reported that since the last meeting, two individuals had disciplinary actions (probation). She continued that there were administrative penalties outstanding ranging from \$10.00 to \$1000.00. Chiles reported that if administrative penalties are not paid within 30 days or a payment plan agreed to is not followed, license renewal can be refused for non-payment of an administrative penalty.

e. Other

The public person asked if there was an absolute situation or conviction where an applicant would not receive a license. The Board responded that it is their position that a prostitution conviction would result in denial of the application. It was also discussed that it was important to report all convictions and it was helpful to submit a current alcohol/drug evaluation with the application if the applicant has had multiple alcohol/drug convictions.

9. Working Lunch

There was no working lunch as the Board adjourned prior to lunch.

10. Regulation Work Session (1pm to 4pm)

MOTION: Schmidt moved, seconded by Adams Johnson, to defer the regulation work session to a later date. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

Chiles reminded the members that they would resume discussion on Chapter 83, establishment inspections.

The public person commented that her school did not allow students to take tips but other schools did and she wondered what could be done. She was advised that a complaint could be filed against the person or the school.

The public person also said that people are not registering for CEU training for renewal and the buzz on the street is they are not taking CEUs and just risking they will not be caught. Board members discussed that they might want to consider a higher percentage of audits. The affordability of CEUs was also discussed and the opinion expressed that massage therapists spent a higher percentage of income on CEUs than other professions. Adams Johnson questioned whether hands on was really needed for CEUs. The Board will review the CEU section of the regulations.

Chiles stated she would send out possible dates for the work session and noted that a Friday and during the month of September were preferred.

There being no further business, Hupka declared the meeting of the Board of Massage Therapy adjourned at noon.

Respectfully Submitted,

Brian Allison, Secretary
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator